



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 2, 1996

Ms. Merlene M. Menard
Assistant City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

OR96-0479

Dear Ms. Menard:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 38712.

The City of Dallas (the "city") received a request for a copy of an internal investigative report. You state that you have released some information in response to this request, but contend that certain information is excepted from disclosure under section 552.108 of the Government Code. You have submitted to this office a copy of the information that you believe is excepted from disclosure.

Section 552.108 excepts from required public disclosure the following information:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution.

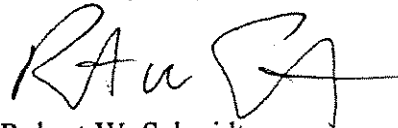
When applying section 552.108, this office distinguishes between cases that are still under active investigation and those that are closed. Open Records Decision No. 611 (1992) at 2. In cases that are still under active investigation, section 552.108 excepts from disclosure all information except that generally found on the first page of the offense report. *See generally* Open Records Decision No. 127 (1976). You advise us that the requested information relates to a pending federal criminal investigation. For this reason, we conclude that the city may withhold the requested offense report under section

552.108 of the Government Code, with the exception of the first-page offense report information.

We stress that the city must release the type of information deemed public by the *Houston Chronicle Publishing Co.* case regardless of its location within an investigation file. The content of the information determines whether it must be released in compliance with the *Houston Chronicle Publishing Co.* case, not its literal location on the first page of an offense report.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'RWS' followed by a stylized flourish.

Robert W. Schmidt
Assistant Attorney General
Open Records Division

RWS/ch

Ref.: ID# 38712

Enclosures: Submitted documents

cc: Mr. Russell Binion
1845 Oates 1229
Mesquite, Texas 75150
(w/o enclosures)

¹We have enclosed a copy of Open Records Decision No. 127 (1976), which lists the types of information which are available to the public.